THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 7816 of 2006

21-04-2006

Between:-

B. Muralidhar Rao

Petitioner

And

The Government of Andhra Pradesh, Home (WNT) Department, Secretariat Buildings, Hyderabad, rep., by its Secretary and four others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7816 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for respondent Nos. 1 to 4.

The petitioner is a retired police officer, who was in the service of the Government of Andhra Pradesh. After retirement, on superanuation, he claims to have settled in Hyderabad. His wife fell ill on 26-06-2004 and had to be administered medical treatment, for which, he preferred the Apollo Hospital, Hyderguda branch, Hyderabad.

The petitioner and his wife are entitled to reimbursement of medical expenses under the conditions of service between the petitioner and the respondents-State, is the claim. Contrary to the above entitlement and despite the Apollo Hospital being an

accredited medical institution, for treatment wherein an eligible person could claim medical reimbursement, the respondents have denied the claim the petitioner presented for the medical reimbursement for treatment of his wife. This is the substantive grievance in this writ petition.

The grievance presented herein is a grievance pertaining, relating to and concerning the service conditions between the petitioner and the respondents-State and is therefore adjudicable in the first instance and exclusively by the Andhra Pradesh Administrative Tribunal constituted under the Administrative Tribunals' Act, 1985 vide Section 15 therein.

In view of the decision of the Supreme Court in *L. Chandra Kumar Vs. Union of India* ([1]), the writ petition, in the first instance, is not maintainable under Article 226 of the Constitution of India. Accordingly, the writ petition is dismissed on the ground of maintainability. The petitioner is however at liberty to approach the Andhra Pradesh Administrative Tribunal for appropriate relief. No costs.

_____

GODA RAGHURAM, J

Dated:21-04-2006

Pvks/*